

REMARKS

Applicant respectfully requests that the Examiner enter the amendments presented herein. Upon entry of the amendments, claims 29-31, 33, 34, and 40-44 will be pending in this application. Claims 25, 32, and 35-39 have been canceled. Claims 30 and 31 have been amended. Support for the amendments can be found in the specification, for example, at page 4, lines 6-9, and page 9, lines 6-10. No new matter has been added.

Allowable Subject Matter

Applicant thanks the Examiner for acknowledging that claims 29 and 40-44 are allowable.

Information Disclosure Statement

Applicant respectfully requests that the Examiner consider the reference listed on the Form PTO-1449 submitted with the Information Disclosure Statement filed on August 30, 2005, and send Applicant a copy of the initialed Form PTO-1449.

Amendments to the Specification

The Office Action at page 2 states that Applicant is required to provide a marked-up version of amendments to the specification. The amendments in the present reply provide a marked-up version of the amendments previously presented in the reply filed on February 2, 2006. Applicant apologizes for the omission.

The present amendments also correct the filing date of PCT/JP98/01783 to April 17, 1998.

35 U.S.C. § 112, Second Paragraph

The Office Action at page 2 rejected claims 30, 31, 33, and 34, alleging that the term "gene" in claims 30 and 31 and the term "high stringency conditions" in claim 31 are indefinite. Solely in the interest of expediting allowance of these claims and without acquiescing in the

rejection, Applicant has amended claims 30 and 31 to remove the term “gene,” and has amended claim 31 to recite particular hybridization conditions. Applicant submits that these amendments overcome the rejections to claims 30, 31, 33, and 34, and place these claims in condition for allowance.

35 U.S.C. § 112, First Paragraph, Enablement

The Office Action at page 3 rejected claims 25, 32, and 35-39 for an alleged lack of enablement. Applicant disagrees with the Examiner's position, but in order to move the case to allowance, has canceled these claims, thereby obviating this rejection.

35 U.S.C. § 112, First Paragraph, Written Description

Claims 25, 32, and 35-39 are rejected (Office Action at page 4) as allegedly lacking written description. Applicant notes that the Examiner's position is contrary to Example 14 of the Training Materials¹ issued with the Revised Interim Guidelines (Guidelines for Examination of Patent Applications Under the 35 U.S.C. 112, ¶ 1, “Written Description” Requirement, 66 Fed. Reg. 1099 (January 5, 2001)). In that Example, a claim similar to Applicant's claim 25 is said to meet the written description requirement based on a disclosure far less extensive than Applicant's. However, solely to move the case to allowance, Applicant has chosen to cancel claims 25, 32, and 35-39, thereby obviating this rejection.

CONCLUSION

Applicant submits that the pending claims are in condition for allowance. Such action is requested.

¹ available at <http://www.uspto.gov/web/menu/written.pdf>

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Enclosed is a \$450.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 14875-042004.

Respectfully submitted,

Date:

Sept. 15, 2006

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